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HOUSE BILL NO. 1284

Offered January 20, 2022

A *BILL to amend and reenact §§ 2.2-1837, 2.2-2801, 2.2-3108, 2.2-3711, 15.2-410, 15.2-512, 15.2-531, 15.2-533, 15.2-807, 15.2-824, 15.2-837, 15.2-855, 15.2-1211, 15.2-1400, 15.2-1522, 15.2-1524, 15.2-1544, 15.2-1545, 22.1-28, 22.1-29, 22.1-30, 22.1-31, 22.1-32, 22.1-57.1, 22.1-57.1:1, 22.1-57.3, 22.1-57.3:1, 22.1-57.3:2.1, 22.1-57.3:3, 22.1-71, 22.1-72, 22.1-75, 22.1-126.1, 24.2-129, 24.2-222.1, 24.2-223, 24.2-226, 24.2-227, 24.2-228, 24.2-502, 24.2-506, 58.1-605, and 58.1-3814 of the Code of Virginia and to repeal §§ 15.2-532, 15.2-628, and 22.1-29.1, Articles 2 through 6 (§§ 22.1-34 through 22.1-57) of Chapter 5 of Title 22.1, and §§ 22.1-57.2, 22.1-57.3:2, 22.1-57.4, and 22.1-57.5 of the Code of Virginia, relating to school boards; method of selection; election required.*

Patron—Taylor

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1837, 2.2-2801, 2.2-3108, 2.2-3711, 15.2-410, 15.2-512, 15.2-531, 15.2-533, 15.2-807, 15.2-824, 15.2-837, 15.2-855, 15.2-1211, 15.2-1400, 15.2-1522, 15.2-1524, 15.2-1544, 15.2-1545, 22.1-28, 22.1-29, 22.1-30, 22.1-31, 22.1-32, 22.1-57.1, 22.1-57.1:1, 22.1-57.3, 22.1-57.3:1, 22.1-57.3:2.1, 22.1-57.3:3, 22.1-71, 22.1-72, 22.1-75, 22.1-126.1, 24.2-129, 24.2-222.1, 24.2-223, 24.2-226, 24.2-227, 24.2-228, 24.2-502, 24.2-506, 58.1-605, and 58.1-3814 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1837. Risk management plan for public liability.

A. Subject to the approval of the Governor, the Division shall establish a risk management plan, which may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide:

1. Protection against liability imposed by law for damages resulting from any claim:

a. Made against any state department, agency, institution, board, commission, officer, agent, or employee for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization;

b. Made against participants, other than professional counsel, in student disciplinary proceedings at public institutions of higher education for nonmalicious acts or omissions of any nature in the course and scope of participation in the proceedings; or

c. Resulting from an authorized indemnification agreement entered into by a public institution of higher education in the Commonwealth in accordance with this subsection.

A public institution of higher education in the Commonwealth may execute an indemnification agreement if the Governor (i) considers in advance of execution (a) the institution's analysis of the relevant public benefit and risk of liability, (b) the Division's charge to be assessed against the institution for providing insurance or self-insurance coverage for the claims resulting from the indemnification agreement, and (c) the Office of the Attorney General's comments and (ii) determines that execution is necessary to further the public's best interests.

The indemnification agreement shall limit the institution's total liability to a stated dollar amount and shall notify the contractor that the full faith and credit of the Commonwealth are not pledged or committed to payment of the institution's obligation under the agreement. However, no such institution shall be authorized to enter into an indemnification agreement in accordance with this subsection to indemnify any person or entity against damages arising from a sponsored project conducted by such institution. For the purposes of this section, a "sponsored project" is a research, instruction, or service project conducted at a public institution of higher education in the Commonwealth pursuant to a grant, cooperative agreement, or other contract;

2. Protection against tort liability and incidental medical payments arising out of the ownership, maintenance or use of buildings, grounds or properties owned or leased by the Commonwealth or used by state employees or other authorized persons in the course of their employment;

3. For the payment of attorney fees and expenses incurred in defending such persons and entities concerning any claim that (i) arises from their governmental employment or authorization, that (ii) arises from their participation in such student disciplinary proceedings, or (iii) is described in any such indemnification agreement, where the Division is informed by the Attorney General's office that it will not provide a defense due to a conflict or other appropriate reason; and

4. For the payment of attorney fees and expenses awarded to any individual or entity against the Commonwealth, or any department, agency, institution, board, commission, officer, agent, or employee

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59 of the Commonwealth for acts or omissions of any nature while acting in an authorized governmental or
60 proprietary capacity, or in reliance upon any constitutional provision, or law of the Commonwealth. It is
61 the obligation of the Division to provide for such indemnification regardless of whether there is a
62 request for or an award of damages associated with the award of such fees and expenses.

63 a. As a condition of coverage for the payment of attorney fees and expenses, the department, agency,
64 institution, board, commission, officer, agent, or employee of the Commonwealth shall (i) promptly
65 notify the Division of the commencement of any claim, suit, action or other proceeding prior to its
66 settlement, (ii) provide the Division with full nonprivileged information on the matter as requested, and
67 (iii) permit the Division to participate in the investigation of such claim, suit, action or other proceeding.
68 Failure to promptly notify the Division or to reasonably cooperate may, at the Division's discretion,
69 result in no payment or a reduced payment being made.

70 b. The Division shall set the premium and administrative costs to be paid to it for providing payment
71 of attorney fees and expenses awarded pursuant to this section. The premiums and administrative costs
72 set by the Division shall be payable in the amounts, at the time and in the manner that the Division in
73 its sole discretion requires. Premiums and administrative costs shall be set to best ensure the financial
74 stability of the plan.

75 B. Any risk management plan established pursuant to this section shall provide for the establishment
76 of a trust fund or contribution to the State Insurance Reserve Trust Fund for the payment of claims
77 covered under the plan. The funds shall be invested as provided in § 2.2-1806 and interest shall be
78 added to the fund as earned. The trust fund shall also provide for payment of administrative costs,
79 contractual costs, and other expenses related to the administration of such plan.

80 C. The risk management plan for public liability shall be submitted to the Governor for approval
81 prior to implementation.

82 D. The risk management plan established pursuant to this section shall provide protection against
83 professional liability imposed by law as provided in § 24.2-121, resulting from any claim made against a
84 local electoral board, any of its members, any general registrar, or any employee of or paid assistant to a
85 registrar for acts or omissions of any nature while acting in an authorized governmental or proprietary
86 capacity and in the course and scope of employment or authorization, regardless of whether or not the
87 civil action requests monetary damages, subject to the limitations of the risk management plan.

88 E. The risk management plan established pursuant to this section shall provide protection against any
89 claim made against any soil and water conservation district, director, officer, agent or employee thereof,
90 (i) arising out of the ownership, maintenance or use of buildings, grounds or properties owned, leased or
91 maintained by any such district or used by district employees or other authorized persons in the course
92 of their employment or (ii) arising out of acts or omissions of any nature while acting in an authorized
93 governmental or proprietary capacity and in the course and scope of employment or authorization.

94 F. The risk management plan established pursuant to this section shall provide protection against
95 professional liability imposed by law for damages resulting from any claim made against a local school
96 board selection commission or local school board selection commission members for acts or omissions
97 of any nature while acting in an authorized governmental or proprietary capacity and in the course and
98 scope of authorization, subject to the limitations of the risk management plan.

99 G. The risk management plan established pursuant to this section shall provide coverage for any
100 matter that involves or could involve an action or proceeding against a judge, the nature of which is
101 designed to determine whether discipline or other sanction of the judge for malfeasance or misfeasance
102 is appropriate or to otherwise determine the fitness of the judge to hold office or to continue his
103 employment. No coverage or indemnification shall be made pursuant to this subsection when the
104 Supreme Court of Virginia finds that the judge should be censured or removed from office pursuant to
105 Section 10 of Article VI of the Constitution of Virginia or statutes enacted pursuant thereto.

106 H. G. The risk management plan established pursuant to this section shall provide protection against
107 claims made against chaplains by persons incarcerated in a state correctional facility, a juvenile
108 correctional center, or a facility operated pursuant to the Corrections Private Management Act
109 (§ 53.1-261 et seq.) arising out of services provided by the chaplains to such incarcerated persons,
110 regardless of whether such services were provided on a volunteer basis or for compensation. For the
111 purposes of this subsection, chaplains shall include only those persons, who, at the time any claim may
112 arise, were acting pursuant to, and in compliance with, an agreement between the chaplain or an
113 organization to which the chaplain belongs, and the Department of Corrections, the Department of
114 Juvenile Justice, or an operator of a facility operated pursuant to the Corrections Private Management
115 Act.

116 **§ 2.2-2801. Disability to hold state office; exceptions.**

117 A. Section 2.2-2800 shall not be construed to prevent:

118 1. Members of Congress from acting as visitors of the University of Virginia or the Virginia Military
119 Institute, or from holding offices in the militia;

120 2. United States commissioners or United States census enumerators, supervisors, or the clerks under

the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the Virginia National Guard, from acting as notaries; ~~school board selection commission members~~; or supervisors; or from holding any district office under the government of any county; or the office of councilman of any town or city in the Commonwealth;

3. Any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;

4. Any civilian employee of the United States government from being appointed and acting as notary public;

5. Any United States commissioners or United States park commissioners from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations district court of any city, or judge of any county court or juvenile and domestic relations district court of any county, or the municipal court or court of limited jurisdiction, by whatever name designated, of any incorporated town;

6. Any person employed by, or holding office or a post of profit, trust or emolument, civil, legislative, executive or judicial, under the government of the United States, from being a member of the militia or holding office therein, or from being a member or director of any board, council, commission or institution of the Commonwealth who serves without compensation except one who serves on a per diem compensation basis;

7. Foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia from holding any office under the government of any city, town or county in the Commonwealth;

8. Any United States government clerk from holding any office under the government of any town or city;

9. Any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;

10. Any state federal director of the Commonwealth in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of the Commonwealth;

11. Clerks and employees of the federal government engaged in the departmental service in Washington from acting as school trustees;

12. Any person, who is otherwise eligible, from serving as a member of the governing body or school board of any county, city or town, or as a member of any public body who is appointed by such governing body or school board, or as an appointive officer or employee of any county, city or town or the school board thereof;

13. Game management agents of the United States Fish and Wildlife Service or United States deputy game wardens from acting as special conservation police officers;

14. Any appointive state or local official or employee from serving, with compensation, on an advisory board of the federal government;

15. Any state or local law-enforcement officer from serving as a United States law-enforcement officer; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;

16. Any United States law-enforcement officer from serving as a state or local law-enforcement officer when requested by the chief law-enforcement officer of the subject jurisdiction; however, this subdivision shall not be construed to authorize any law-enforcement officer to receive double compensation;

17. Any attorney for the Commonwealth or assistant attorney for the Commonwealth from serving as or performing the duties of a special assistant United States attorney or assistant United States attorney; however, this subdivision shall not be construed to authorize any attorney for the Commonwealth or assistant attorney for the Commonwealth to receive double compensation;

18. Any assistant United States attorney from serving as or performing the duties of an assistant attorney for the Commonwealth when requested by the attorney for the Commonwealth of the subject jurisdiction; however, this subdivision shall not be construed to authorize any assistant United States attorney to receive double compensation;

19. Any elected state or local official from serving, without compensation, on an advisory board of the federal government; however, this subdivision shall not be construed to prohibit reimbursement for actual expenses;

20. Sheriffs' deputies from patrolling federal lands pursuant to contracts between federal agencies and local sheriffs;

21. State judicial officers from performing acts or functions with respect to United States criminal proceedings when such acts or functions are authorized by federal law to be performed by state judicial officers; or

22. Any member of the Armed Forces of the United States from serving on the Virginia Military Advisory Council or the Virginia Offshore Wind Development Authority.

B. Nor shall § 2.2-2800 be construed to exclude:

1. A person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act.

2. Officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty.

§ 2.2-3108. Prohibited contracts by members of school boards.

A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract with any governmental agency that is subject to the ultimate control of the school board of which he is a member.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the school board;

2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or

3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the school board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the school board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the school board, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected a school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal

matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the

305 Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition,
306 holding or disposition of a security or other ownership interest in an entity, where such security or
307 ownership interest is not traded on a governmentally regulated securities exchange, to the extent that
308 such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of
309 Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia
310 College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or
311 the Virginia College Savings Plan under a promise of confidentiality, of the future value of such
312 ownership interest or the future financial performance of the entity, and (ii) would have an adverse
313 effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a
314 local finance board or board of trustees, the board of visitors of the University of Virginia, or the
315 Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure
316 of information relating to the identity of any investment held, the amount invested or the present value
317 of such investment.

318 21. Those portions of meetings in which individual child death cases are discussed by the State Child
319 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
320 individual child death cases are discussed by a regional or local child fatality review team established
321 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
322 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
323 which individual adult death cases are discussed by the state Adult Fatality Review Team established
324 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
325 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of
326 meetings in which individual death cases are discussed by overdose fatality review teams established
327 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are
328 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
329 meetings in which individual death cases of persons with developmental disabilities are discussed by the
330 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

331 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern
332 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any
333 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
334 Virginia Medical School, as the case may be, have been delegated, in which there is discussed
335 proprietary, business-related information pertaining to the operations of the University of Virginia
336 Medical Center or Eastern Virginia Medical School, as the case may be, including business development
337 or marketing strategies and activities with existing or future joint venturers, partners, or other parties
338 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case
339 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such
340 information would adversely affect the competitive position of the Medical Center or Eastern Virginia
341 Medical School, as the case may be.

342 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority
343 or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or
344 disposition by the Authority of real property, equipment, or technology software or hardware and related
345 goods or services, where disclosure would adversely affect the bargaining position or negotiating
346 strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the
347 Authority; grants and contracts for services or work to be performed by the Authority; marketing or
348 operational strategies plans of the Authority where disclosure of such strategies or plans would adversely
349 affect the competitive position of the Authority; and members of the Authority's medical and teaching
350 staffs and qualifications for appointments thereto.

351 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within
352 the Department of Health Professions to the extent such discussions identify any practitioner who may
353 be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

354 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
355 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees
356 by or on behalf of individuals who have requested information about, applied for, or entered into
357 prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.)
358 of Title 23.1 is discussed.

359 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
360 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
361 § 56-484.12, related to the provision of wireless E-911 service.

362 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
363 Professional and Occupational Regulation, Department of Health Professions, or the Board of
364 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach
365 a decision or meetings of health regulatory boards or conference committees of such boards to consider
366 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as

requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 15.2-410. County school board and division superintendent of schools.

A. The county school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

B. The county school board shall be composed of not less than three nor more than six members

chosen by the board of county supervisors to serve staggered four-year terms. Initial terms may be less than four years to establish the staggered membership. The terms of no more than three members shall expire in any one year. The board of county supervisors shall establish by resolution the number of school board members and the staggered membership. The school board membership may be increased from time to time up to six members. Three-member boards need not be staggered. All appointments to fill vacancies shall be made by the board of county supervisors and shall be for the unexpired terms.

C. Each member shall receive as compensation for his services such annual salary as may be prescribed pursuant to § 22.1-32.

D. The board of county supervisors may also appoint a C. A resident of the county *may be elected* to cast the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. The tie breaker, if any, shall be ~~appointed~~ *elected* for a four-year term whether appointed to fill a vacancy caused by expiration of a term or otherwise.

E. D. Notwithstanding the above provisions any provision of law to the contrary, the Board of Supervisors of Scott County may establish a staggered membership for its school board with the school board members serving three-year terms and the Board of Supervisors of Carroll County may ~~continue~~ to appoint *elect* five members to its school board to serve staggered five-year terms.

F. E. Notwithstanding any provision of law to the contrary provisions of this section, a, each county which has an elected school board shall ~~comply with~~ *shall be elected in accordance with* the applicable provisions of Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1.

§ 15.2-512. Appointment of officers and employees; recommendations by county executive; discussions with board.

The board shall appoint, upon the recommendation of the county executive, all officers and employees in the administrative service of the county except as otherwise provided in § 15.2-535 and except as the board may authorize the head of a department or office to appoint subordinates in such department or office. ~~However, in appointing the county school board no recommendation by the county executive shall be required.~~ All appointments shall be based on the ability, training and experience of the appointees which are relevant to the work which they are to perform.

The county executive shall have the right to take part in all discussions and to present his views on all matters coming before the board. The attorney for the Commonwealth, the sheriff and the directors or heads of the departments shall be entitled to present their views on matters relating to their respective departments.

§ 15.2-531. Department of education.

The department of education shall consist of the county school board, the division superintendent of schools and the officers and employees thereof. Except as herein otherwise provided, the county school board and the division superintendent of schools shall exercise the powers conferred and perform the duties imposed upon them by general law. ~~The county school board shall be composed of not less than three nor more than seven members, who shall be chosen by the board of county supervisors. The exact number of members shall be determined by the board.~~

Notwithstanding the foregoing provisions of this section, the county school board in a county which is contiguous to a county having the urban county executive form of government shall consist of the same number of members as there are supervisors' election districts for the county, one member to be appointed from each of the districts by the board of county supervisors.

The board may also appoint a A county resident *may be elected* to cast the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. Any tie breaker shall be ~~appointed~~ *elected* for a four-year term whether appointed to fill a vacancy caused by expiration of a term or otherwise.

The chairman of the county school board, for the purpose of appearing before the board of county supervisors, shall be considered head of this department, unless the school board designates some other person in the department for such purpose.

§ 15.2-533. Elected school boards.

Notwithstanding any provision of law to the contrary provisions of §§ 15.2-531 and 15.2-532, a, each county which has an elected school board shall ~~comply with~~ *be elected in accordance with* the applicable provisions of Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1.

§ 15.2-807. Appointment of county officers and employees; federal employment, etc., not to disqualify; discussions with board.

The board shall appoint, upon the recommendation of the urban county executive, all officers and employees in the administration service of the county, except as the board authorizes the urban county executive to appoint heads of a department or office and except as the board authorizes the heads of a department or office to appoint subordinates in such department or office. ~~However, in appointing the county school board no recommendation by the urban county executive is required.~~ All appointments shall be on the basis of ability, training and experience of the appointees which are relevant to the work which they are to perform.

551 No person otherwise eligible, shall be disqualified by reason of his accepting or holding employment,
 552 an office, post, trust or emolument under the United States government, from serving as a member of
 553 any board, commission, authority, committee or agency whose members are appointed by the board.

554 The county clerk, the attorney for the Commonwealth and the sheriff shall be selected in the manner
 555 and for the terms, and vacancies in such offices shall be filled, as provided by general law.

556 The urban county executive shall have the right to take part in all discussions and to present his
 557 views on all matters coming before the board. The attorney for the Commonwealth and the sheriff shall
 558 be entitled to present their views on matters relating to their respective departments.

559 **§ 15.2-824. Appointment of members of certain boards, authorities and commissions.**

560 A. Notwithstanding the provisions of §§ 15.2-837, 15.2-855, 15.2-2212, 15.2-5113, 15.2-5703 and
 561 36-11, the board may establish different terms of office for initial and subsequent appointments of (i)
 562 the commissioners of any county redevelopment and housing authority created pursuant to the Housing
 563 Authorities Law (§§ 36-1 through 36-55.6), (ii) the members of any county authority created pursuant to
 564 the Park Authorities Act (§ 15.2-5700 et seq.), (iii) the members of the county planning commission,
 565 (iv) ~~the members of the county school board,~~ (v) any commissions created pursuant to § 15.2-823 and
 566 ~~(vi)~~ (v) the members of any county water or sewer authority created pursuant to § 15.2-5102.

567 Such different terms of office for such authorities, boards and commissions shall be for fixed terms,
 568 and such different terms of office may include, but are not limited to, terms of either two or four years
 569 and terms that extend until July 1 of the year following the year in which there is a regular election
 570 provided by general law for the election of supervisors. If the board establishes different terms of office
 571 pursuant to this section, such new terms shall affect future appointments to such offices and shall not
 572 affect the existing terms of any commissioner or member then serving in office. This section shall not
 573 affect the removal of any member of an authority, board or commission for incompetency, neglect of
 574 duty or misuse of office pursuant to provisions of general law.

575 B. Notwithstanding the provisions of §§ 15.2-5113 and 36-11, the board may appoint as many as
 576 eleven persons as (i) commissioners of any county redevelopment and housing authority created pursuant
 577 to the Housing Authorities Law and (ii) members of any county water or sewer authority created
 578 pursuant to § 15.2-5102.

579 **§ 15.2-837. Department of education.**

580 The department of education shall consist of the county school board, the division superintendent of
 581 schools and the officers and employees thereof. Except as herein otherwise provided, the county school
 582 board and the division superintendent of schools shall exercise the powers conferred and perform the
 583 duties imposed upon them by general law. In addition the parks and playgrounds shall be under the
 584 supervision and control of the department of education unless otherwise provided by the urban county
 585 board of supervisors. ~~The county school board shall be composed of not less than five nor more than~~
 586 ~~twelve members, who shall be chosen by the urban county board of supervisors to serve for a term of~~
 587 ~~two years, except that as many as one half of the members of the first such board appointed may be~~
 588 ~~appointed for lesser terms. The exact number of members shall be determined by the urban county~~
 589 ~~board of supervisors. The term of office for any member appointed after July 1, 1972, shall expire on~~
 590 ~~July 1 of the second year after his appointment.~~

591 ~~The board of county supervisors may also appoint a~~ A county resident *may be elected* to cast the
 592 deciding vote in case of a tie vote of the school board as provided in § 22.1-75. The tie breaker, if any,
 593 shall be ~~appointed~~ *elected* for a four-year term whether appointed to fill a vacancy caused by expiration
 594 of a term or otherwise.

595 The chairman of the county school board, unless some other person in the department is designated
 596 by the school board for such purpose, may appear before the urban county board of supervisors and
 597 present his views on matters relating to the department of education.

598 ~~Notwithstanding any provision of law to the contrary provisions of this section, a, each county which~~
 599 ~~has an elected school board shall comply with be elected in accordance with the applicable provisions~~
 600 ~~of Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1.~~

601 **§ 15.2-855. Division of county into districts; functions of districts.**

602 Within ninety days after the adoption of the urban county executive form of government, the board,
 603 after holding a public hearing thereon, shall divide the county into from five to eleven districts. Each
 604 district shall be composed of contiguous and compact territory and shall be so constituted as to give, as
 605 nearly as is practicable, representation in proportion to the population in the district.

606 These districts shall serve as the electoral divisions for elections of members of the urban county
 607 board of supervisors, and as sanitary districts under the provisions of Article 5 (§ 15.2-858), and shall
 608 have such other functions as are specified herein.

609 Each district shall have at least one of its residents who is a qualified voter of the district appointed
 610 to the local planning commission of the county and to the county school board. Each member of the
 611 county school board shall be appointed for terms and serve in accordance with all the provisions of
 612 ~~§ 15.2-837.~~

§ 15.2-1211. Boundaries of magisterial and election districts.

A. County magisterial district boundary lines and names shall be as the governing bodies may establish. Subject to the provisions of § 24.2-304.1, whenever the boundaries of a county have been altered, the governing body shall, as may be necessary, redistrict the county into magisterial districts, change the boundaries of existing districts, change the name of any district, or increase or diminish the number of districts.

B. Whenever redistricting of magisterial or election districts is required as a result of annexation, the governing body of such county shall, within a reasonable time from the effective date of such annexation, not to exceed ninety days, commence the redistricting process which shall be completed within a reasonable time thereafter, not to exceed twelve months.

C. A county may by ordinance provide that the magisterial districts of the county shall remain the same, but that representation on the governing body shall be by election districts, in which event all sections of this Code providing for election or appointment on the basis of magisterial districts shall be construed to provide for election or appointment on the basis of election districts, ~~including appointment to a school board as prescribed by §§ 22.1-36 and 22.1-44.~~

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term, and other details of the election shall be as specified by law, general or special. Qualification for office is provided in Article 4 (§ 15.2-1522 et seq.) of Chapter 15.

B. The governing body of every locality shall be composed of not fewer than three nor more than 11 members.

C. Chairmen, mayors, supervisors, and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

E. Notwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of ~~an elected~~ a school board shall be held at the time of the November general election for terms to commence January 1.

F. Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the governing body, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

§ 15.2-1522. When and how officers qualify.

Every elected county, city, town and district officer, unless otherwise provided by law, on or before the day on which his term of office begins, shall qualify by taking the oath prescribed by § 49-1 and give the bond, if any, required by law, before the circuit court for the county or city, having jurisdiction in the county, city, town or district for which he is elected or appointed, or before the clerk of the circuit court for such county, city, town or district. However, members of governing bodies and ~~elected~~ school boards may qualify up to and including the day of the initial meeting of the new governing body or ~~elected~~ school board.

Any such oath of town council members, town mayors or members of Boards of Supervisors may be taken before any officer authorized by law to administer oaths. Such oath shall be returned to the clerk of the council of the town, who shall enter the same record on the minute book of the council, or, for members of the Board of Supervisors, returned to the clerk of the circuit court having jurisdiction in the county for which he is elected or appointed, who shall record the same in the order book, on the law side thereof.

Whenever an officer required to give bond is included in a blanket surety bond authorized by § 2.2-1840, such officer shall furnish confirmation by the Division of Risk Management of the inclusion of the officer on such blanket surety bond and the amount of the coverage, which shall be the equivalent of giving the bond for purposes of qualification.

An appointed officer as used in this article means a person appointed to temporarily fill an elected position. District officer as used in this article means a person elected by the people other than national and statewide officers and members of the General Assembly.

§ 15.2-1524. Failure to qualify vacates office.

If any such officer fails to qualify and give bond, as required by § 15.2-1523, on or before the day on which his term begins, his office shall be deemed vacant. However, members of local governing bodies and ~~elected~~ school boards may qualify up to and including the day of the initial meeting of the new governing body or ~~elected~~ school board.

§ 15.2-1544. Counties, cities, towns, school divisions, and certain political subdivisions may establish local trusts or equivalent arrangements to fund postemployment benefits other than pensions.

674 The governing body of any county, city, or town may establish a trust, trusts, or equivalent
675 arrangements for the purpose of accumulating and investing assets to fund postemployment benefits
676 other than pensions, as defined herein. Deposits to any such trust, trusts, or equivalent arrangements and
677 any earnings on those deposits shall be irrevocable; shall be dedicated to providing benefits to retirees
678 and their beneficiaries in accordance with the terms of the plans or programs providing postemployment
679 benefits other than pensions; and shall be exempt from taxation and execution, attachment, garnishment,
680 or any other process. For the purposes of this article, an equivalent arrangement shall mean any fund or
681 similar arrangement established by the governing body pursuant to this article under which funds are
682 irrevocably allocated, segregated, or otherwise dedicated to providing postemployment benefits other
683 than pension benefits to retirees and their beneficiaries. The governing body of any such county, city, or
684 town also may make appropriations to any such trust, trusts, or equivalent arrangements, and any such
685 governing body may require active and former employees covered by a postemployment benefit plan or
686 program to contribute to such a trust or equivalent arrangement through payments or deductions from
687 their wages, salaries, or pensions. Officers and employees who are subject to inclusion in the retirement
688 plans described in § 51.1-800 also may be included in any such trust, trusts, or equivalent arrangements
689 by the governing body.

690 The governing body also may authorize the governing body of any other political subdivision that is
691 appointed in whole or in part by the governing body of such county, city, or town, to establish and fund
692 a trust, trusts, or equivalent arrangements for its active and former employees. Any ~~appointed or elected~~
693 school board may establish and fund such a trust, trusts, or equivalent arrangements for its active and
694 former employees. The governing body of any county, city, or town also may enter into agreements
695 with the ~~appointed or elected~~ school board that provides public schools within its boundaries or with any
696 other political subdivision, which is appointed in whole or in part by the governing body of any such
697 county, city, or town, to permit any such school board or such other political subdivision to participate
698 in any trust, trusts, or equivalent arrangements established by the governing body of any such county,
699 city, or town.

700 The governing body of any such county, city, or town, the school board of the local school divisions,
701 and the governing body of any other political subdivision that establishes or participates in any such
702 trust, trusts, or equivalent arrangements, shall have the right to revise or discontinue its plans or
703 programs providing such postemployment benefits other than pensions for its active and former officers
704 and employees as it may deem necessary or transfer any assets held in any trust or equivalent
705 arrangement established pursuant to this article to any other trust, trusts, or equivalent arrangement
706 established pursuant to this article; provided, however, any amendment, suspension, or revocation of any
707 plans or programs providing such postemployment benefits other than pensions or transfer of assets held
708 in a trust or equivalent arrangement shall not have the effect of diverting the assets of any trust, trusts,
709 or equivalent arrangements to purposes other than the exclusive benefit of the active or former
710 employees or their dependents or beneficiaries entitled to such postemployment benefit. If all plans or
711 programs providing such postemployment benefits other than pensions for which a trust or equivalent
712 arrangement is established are repealed or terminated by the governing body that created such trust,
713 trusts or equivalent arrangements, then there shall be no continuing responsibility for that governing
714 body to continue to make appropriations to such trust, trusts or equivalent arrangements, and the assets
715 of any such trust, trusts or equivalent arrangements shall be used to provide any benefits continuing to
716 be due to active or former employees (and their dependents or beneficiaries) under such plans or
717 programs. If there are no active or former employees (or dependents or beneficiaries) due a benefit
718 under any plan or program providing such postemployment benefits other than pensions for which the
719 trust or equivalent arrangement was established, then any remaining assets may revert to the locality.

720 **§ 15.2-1545. Postemployment benefits other than pensions defined.**

721 Postemployment benefits other than pensions covered by the trust, trusts, or equivalent arrangement
722 shall be defined by the governing body of the county, city, or town, by the ~~appointed or elected~~ school
723 board, or by the governing body of any other political subdivision that creates any such program or
724 trust. Such benefits may include but are not limited to medical, dental, and life insurance provided to
725 individuals who have terminated their service and to the dependents of such individuals and may be
726 provided by purchasing insurance, by a program of self-insurance, or by a combination of both. Such
727 postemployment benefits other than pensions may be provided to the officers and employees or to their
728 dependents, estates, or designated beneficiaries. Any benefits arising from any postemployment benefits
729 other than pension plans shall be clearly defined and strictly construed.

730 **§ 22.1-28. Supervision of schools in each division vested in school board.**

731 The supervision of schools in each school division shall be vested in a school board ~~selected~~ *elected*
732 as provided in this chapter or as ~~otherwise provided by law~~.

733 **§ 22.1-29. Qualifications of members.**

734 Each person ~~appointed or elected~~ to a school board shall, at the time of his ~~appointment or election~~,
735 be a qualified voter and a bona fide resident of the district from which he is selected if ~~appointment or~~

election is by district or of the school division if ~~appointment or~~ election is at large; and if he shall cease to be a resident of such district or school division, his position on the school board shall be deemed vacant. Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the school board, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

§ 22.1-30. Certain officers may not act on school board or serve as tie breaker.

A. No state, county, city or town officer, no deputy of any such officer, no member of the governing body of a county, city or town, no employee of a school board, and no father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of a member of the county governing body may, during his term of office, be ~~appointed~~ *elected* as a member of the school board for such county, city or town or as tie breaker for such school board except:

1. Local directors of social services;
2. Commissioners in chancery;
3. Commissioners of accounts;
4. Registrars of vital records and health statistics;
5. Notaries public;
6. Clerks and employees of the federal government in the District of Columbia;
7. Medical examiners;
8. Officers and employees of the District of Columbia;
9. In Northumberland County, oyster inspectors;
10. In Lunenburg County, members of the county library board and members of the local board of social services;
11. Auxiliary deputy sheriffs and auxiliary police officers receiving less than five dollars in annual compensation;
12. Members of the town councils serving towns within Craig, Giles and Wise Counties; and
13. Public defenders.

B. Nothing in this section shall be construed to prohibit the election of deputies of constitutional officers to school board membership, consistent with federal law and regulation.

§ 22.1-31. Oath.

Before entering upon the duties of office, each person ~~appointed~~ *elected* to a school board shall take and subscribe the oath prescribed for an officer of this Commonwealth as provided in Chapter 1 (§ 49-1 et seq.) of Title 49.

§ 22.1-32. Salary of members.

A. Any ~~elected~~ school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter.

B. The ~~appointed~~ school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

- Accomack — \$3,000.00;
- Alleghany — \$1,500.00;
- Amherst — \$2,200.00;
- Cumberland — \$3,600.00;
- Essex — \$1,800.00;
- Greensville — \$1,800.00;
- Hanover — \$8,000.00;
- Isle of Wight — \$4,000.00;
- Northampton — \$3,000.00;
- Prince Edward — \$2,400.00;
- Richmond — \$5,000.00;
- Southampton — \$5,300.00.

C. The ~~appointed~~ school board of the following cities and towns may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

- Charlottesville — \$3,000.00;
- Covington — \$1,500.00;
- Danville — \$600.00;
- Emporia — \$240.00;
- Fries — \$240.00;
- Hopewell — \$3,600.00;
- Lexington — \$600.00;
- Lynchburg — \$2,400.00;

797 Manassas Park — \$3,000.00;
798 Martinsville — \$2,400.00;
799 Poquoson — \$3,000.00;
800 Roanoke — \$4,200.00;
801 Salem — \$4,800.00;
802 South Boston — \$600.00;
803 Winchester — \$4,500.00.

804 D. Any school board may, in its discretion, pay the chairman of the school board an additional salary
805 not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose
806 membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or
807 town whose school board is comprised solely of appointed members.

808 E. C. Any school board may in its discretion pay each of its members mileage for use of a private
809 vehicle in attending meetings of the school board and in conducting other official business of the school
810 board. Its members may be reimbursed for private transportation at a rate not to exceed that which is
811 authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid,
812 however, shall be the same for school board members and employees of the board.

813 F. D. No appointed school board shall request the General Assembly's consideration of an increase in
814 its annual salary limit as established in subsections B and C unless such school board has taken an
815 affirmative vote on the requested increase. Further, no elected school board shall be awarded a salary
816 increase, unless, upon an affirmative vote by such school board, a specific salary increase shall be
817 approved. Local school boards shall adopt such increases according to the following procedures:

818 1. A local school board representing a county may establish a salary increase prior to July 1 of any
819 year in which members are to be elected or appointed, or, if such school board is elected or appointed
820 for staggered terms, prior to July 1 of any year in which at least 40 percent of such members are to be
821 elected or appointed. However, a school board serving a county having the county manager plan of
822 government and whose membership totals five may establish a salary increase prior to July 1 in any
823 year in which two of the five members are to be elected or appointed. Such increase shall become
824 effective on January 1 of the following year.

825 2. A local school board representing a city or town may establish a salary increase prior to December
826 31 in any year preceding a year in which members are to be elected or appointed. Such increase shall
827 become effective on July 1 of the year in which the election or appointment occurs if the election or
828 appointment occurs prior to July 1 and shall become effective January 1 of the following year if the
829 election or appointment occurs after June 30.

830 No salary increase may become effective during an incumbent member's term of office; however, this
831 restriction shall not apply if the school board members are elected or appointed for staggered terms.

832 G. (Effective July 1, 2022) The members of the consolidated school board representing Alleghany
833 County and the City of Covington shall be paid an annual salary not to exceed \$1,500.

834 **§ 22.1-57.1. Applicability.**

835 The provisions of this article shall apply to any county, city, or town constituting a separate and
836 entire school division. If a town within a county constitutes a separate school division and the balance
837 of that county constitutes a separate school division, the term county as used in this article shall be
838 construed to mean the balance of the county excepting the town. If a county and city, or any
839 combination thereof, constitute a consolidated school division, each county or city shall be treated as a
840 separate entity for the purposes of this article and be entitled to hold its own referendum and proceed to
841 elect the same number of members to the consolidated board as have been appointed from the county or
842 city. The provisions of this article shall apply to every school division, each school board, regardless of
843 whether such school board governs a county, city, and or town or any portion or combination thereof
844 and notwithstanding any other provision of this chapter, of Title 15.2, or of any charter.

845 **§ 22.1-57.1:1. Initial election of school board in certain consolidated cities.**

846 Notwithstanding the provisions of this article or any other statutory provision, where an existing city
847 and a county consolidate into a consolidated city and where the county at the time of consolidation is
848 providing all school services to the existing city by contract pursuant to § 22.1-27 and the voters of the
849 county have approved direct election of the school board, the consolidation plan or agreement shall
850 provide for the election of school board members directly by the voters of the consolidated city without
851 the necessity of a further referendum under § 22.1-57.2; in such case, the consolidation plan or
852 agreement shall provide that the members of the initial school board shall be elected from the municipal
853 election districts designated in the consolidation plan or agreement. The provisions of § 22.1-57.3 shall
854 apply in all other respects.

855 **§ 22.1-57.3. Election of school board members; election of tie breaker.**

856 A. If a majority of the qualified voters voting in such referendum vote in favor of changing the
857 method of selecting school board members to direct election by the voters, then the *The* members of the
858 each school board shall be elected by popular vote. Elections of school board members in a county, city,

or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.

B. The initial elected board shall consist of the same number of members as the appointed school board it replaces, *except in the case of a county with the county manager form of government*, and the members shall be elected from the established county or municipal election districts, at large, or a combination thereof, on the same basis as the school board previously was appointed. If the appointed school board being replaced has not been appointed either on an at-large basis or on the basis of the established county or municipal election districts, or a combination thereof, the members shall be elected at large unless the governing body of the county, city, or town provides for the election of school board members on the basis of the established county or municipal election districts. If the appointed school board being replaced has been appointed at large, the governing body of the county, city, or town may establish school election districts for the election of school board members. The governing body may provide for a locality-wide district, one or more districts comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more school board members to any district.

The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2.

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a majority of the members of the school board is elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

920 C. The terms of office for the school board members shall commence on January 1 or July 1, as the
921 case may be, following their election. On December 31 or June 30, as the case may be, following the
922 first election of county, city or town school board members, the terms of office of the members of the
923 school board in office through appointment shall expire and the school board selection commission, if
924 there is one, shall be abolished. If the entire school board is not elected at the first election of school
925 board members, only the terms of the appointed members being replaced shall so expire and the terms
926 of the appointed members being replaced at a subsequent election shall continue or be extended to
927 expire on December 31 or June 30, as appropriate, of the year of the election of the school board
928 members replacing them.

929 D. Except as otherwise provided herein, a vacancy in the office of any elected school board member
930 shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county
931 executive form of government ~~and that has adopted an elected school board~~, any vacancy on the elected
932 school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis.
933 Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a
934 school board office and no person who is qualified to hold the office is elected by write-in votes, a
935 vacancy shall be deemed to exist in the office as of January 1 or July 1, as the case may be, following
936 the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2
937 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected
938 school boards.

939 E. In order to have their names placed on the ballot, all candidates shall be nominated only by
940 petition as provided by general law pursuant to § 24.2-506.

941 F. For the purposes of this section, the election and term of the mayor or chairman of the board of
942 supervisors shall be deemed to be an election and term of a member of the governing body of the
943 municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member
944 of the governing body for any other purpose.

945 G. No employee of a school board shall be eligible to serve on the board with whom he is
946 employed.

947 H. Any elected school board may have a position of tie breaker for the purpose of casting the
948 deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie
949 breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who
950 shall be elected in the same manner and for the same length of term as members of the school board
951 and at a general election at which members of the school board are elected. A vacancy in the position
952 of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

953 **§ 22.1-57.3:1. Staggered terms of elected school boards in certain counties.**

954 A. The provisions of this subsection apply only to Loudoun, Pulaski and Rockbridge Counties.

955 Following a referendum in which the qualified voters approve a change to an elected school board,
956 the school board ~~boards of Bath, Pulaski, and Rockbridge Counties~~ shall be elected as provided in §
957 22.1-57.3 except that the terms of school board members shall be staggered as provided in this section.

958 The initial election of the school board shall be held at the first November general election in an
959 odd-numbered year following the referendum, and the entire school board shall be elected at the initial
960 election.

961 At the initial election, (i) if the school board has an even number of members, half of the successful
962 candidates shall be elected for four-year terms and half of the successful candidates shall be elected for
963 two-year terms and (ii) if the school board has an odd number of members, the smallest number of
964 successful candidates which creates a majority of the board shall be elected for four-year terms and the
965 remaining successful candidates shall be elected for two-year terms. Assignment of the individual terms
966 of members shall be determined by lot by the electoral board of the county at its meeting to ascertain
967 the results of the election and immediately upon certification of the results of the election.

968 Thereafter, all members shall be elected for four-year terms and the school board elections shall be
969 conducted biennially for staggered terms.

970 B. The provisions of this subsection apply only to Bath County.

971 Pursuant to the referendum in which the qualified voters approved a change to an elected school
972 board, the school board shall be elected as provided in §- 22.1-57.3 except that the terms of school
973 board members shall be staggered as provided in this subsection.

974 At the November 2003 general election, three members of the school board shall be elected for
975 four-year terms and two members of the school board shall be elected for two-year terms.

976 Assignment of the individual terms of members shall be determined by lot by the electoral board of
977 the County at its meeting to ascertain the results of the election and immediately upon certification of
978 the results of the election.

979 Thereafter, all members shall be elected for four-year terms and the school board elections shall be
980 conducted ~~alternate~~ biennially ~~for between the election of three members and the election of the~~
981 ~~remaining two members to ensure~~ staggered terms.

§ 22.1-57.3:2.1. Terms of school board members for City of Williamsburg.

Notwithstanding any provisions of this article to the contrary, the terms of school board members representing the City of Williamsburg appointed in 1995 and 1996 shall expire on December 31 in 1998 and 1999, respectively, and subsequent appointments for all Williamsburg school board members shall be for terms of four years, with terms commencing on January 1.

§ 22.1-57.3:3. Election of school board and chairman in certain counties.

A. The provisions of this section shall be applicable in any county (i) which has the county executive form of government and which is contiguous to a county having the urban county executive form of government and (ii) in which the chairman of the board of supervisors is elected at large.

B. Following a referendum held in 1994 or thereafter in which the qualified voters of the county approve a change to an elected school board, the school board shall be elected as provided in § 22.1-57.3 except as otherwise provided in this section. One member of the school board shall be elected at large. All other members shall be elected from the same districts from which the members of the board of supervisors other than the chairman are elected. The member of the school board who is elected at large at the initial or any subsequent election shall be the chairman of the school board during his term of office notwithstanding the provisions of § 22.1-76.

§ 22.1-71. School board constitutes body corporate; corporate powers.

The duly appointed or elected members shall constitute the school board. Every such school board is declared a body corporate and, in its corporate capacity, is vested with all the powers and charged with all the duties, obligations, and responsibilities imposed upon school boards by law and may sue, be sued, contract, be contracted with and, in accordance with the provisions of this title, purchase, take, hold, lease, and convey school property, both real and personal. School board members appointed or elected by district or otherwise shall have no organization or duties except such as may be assigned to them by the school board as a whole.

§ 22.1-72. Annual organizational meetings of school boards.

Each school board shall hold its annual organizational meeting for the purpose of establishing its regular meeting schedule for the ensuing year as follows: (i) in January or July, if the school board serves a county, city, or town constituting a school division, regardless of whether its members are appointed or elected or any combination thereof; (ii) in July, if the school board serves a county constituting a school division and its members are solely appointed; or (iii) in January or July, if the school board serves a county constituting a school division and its members are elected in whole or in part.

A school board may also hold special meetings when necessary. Each school board shall fix its own procedure for calling and holding any special meeting.

§ 22.1-75. Procedure in case of tie vote.

In any case in which there is a tie vote of the school board of any school division when all the members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after complying with this procedure or in any case in which there is a tie vote when all the members of the school board are present, the proceedings thereon shall be in conformity with the proceedings prescribed below, except that the tie breaker, if any, appointed pursuant to § 15.2-410, 15.2-531, 15.2-837, 22.1-40, 22.1-44, or 22.1-47, or elected pursuant to § 15.2-627 or 22.1-57.3; whichever is applicable, shall cast the deciding vote.

In any case in which there is a tie vote of the school board, the clerk shall record the vote; immediately notify the tie breaker to vote; and request his presence, if practicable, at the present meeting of the board. However, if that is not practicable, the board may adjourn to a day fixed in the minutes of the board or, in case of a failure to agree on a day, to a day the clerk fixes and enters in the minutes. At the present meeting or on the day named in the minutes, the tie breaker shall attend. He shall be entitled to be fully advised on the matter upon which he is to vote. If not prepared to vote at the time, he may require the clerk to enter an order adjourning the meeting to some future day, not to exceed thirty days, to be named in the minutes. He may have continuances, not to exceed thirty days, entered until he is ready to vote. When he votes, the clerk shall record his vote; the tie shall be broken; and the question shall be decided as he votes. If a meeting for any reason is not held on the day named in the minutes, the clerk shall enter on the minute book a day within ten days as a substitute day and notify all the members, and this shall continue until a meeting is held. After a tie has occurred, the tie breaker shall be considered a member of the board for the purpose of counting a quorum for the sole purpose of breaking the tie.

§ 22.1-126.1. Acquisition of property for educational purposes by counties, cities and towns.

Any county, city or town or any combination thereof acting jointly may acquire for educational purposes by gift, purchase, condemnation or otherwise, real property and any improvements thereon within the county, city, town or combination thereof acquiring the property or within any county or city

adjacent to any such county, city or town and may construct buildings thereon to be used for educational purposes. The powers of condemnation granted by this section shall be subject to the provisions of § 25.1-102 to the same extent as though such county, city or town were a corporation possessing the power of eminent domain. Whenever the property is not within a county, city or town acquiring the property, not more than 50 acres may be acquired. Property acquired pursuant to this section shall be under the control of the school board of the county, city or town acquiring it; ~~or, in the case of joint action by two or more counties, cities or towns or combinations thereof, control of such property shall be under a board chosen in the manner and for the term provided in § 22.1-53.~~ Such property may be leased on such terms as may be agreed upon to any public institution of higher education to provide for education beyond high school of residents in the general region of such political subdivisions, or the property may, with the approval of the governing body of each such participating political subdivision, be conveyed to any such institution of higher education upon such terms and conditions as shall be agreed upon by such governing bodies and the governing body of the institution and approved by the Governor.

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:

"Certification of no objection" means a certification issued by the Attorney General that there is no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:

1. Any change to the method of election of members of a governing body or ~~an elected~~ a school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;

2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;

3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;

4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or

5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.

"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment.

Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice.

The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or

membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns.

A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

§ 24.2-223. Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§- 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections The election of members of a school board shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general election in May, as the case may be. Elected school School board members shall serve terms that are the same as those of the governing body, to commence on January 1 following their election or July 1 following their election, as the case may be.

Notwithstanding any other provision of law, general or special, in a locality that imposes district-based or ward-based residency requirements for members of the school board, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

§ 24.2-226. Election to fill vacancy.

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. The governing body or, ~~in the case of an elected school board,~~ the school board of the county, city, or town in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs within 90 days of the next such general election and the governing body or the school board has not requested in its petition a different date for the election, the special election shall be held on the date of the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be, may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body or ~~elected~~ school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

§ 24.2-227. Interim appointment by court until vacancy filled by election for certain offices.

When a vacancy occurs in any local elected office other than a constitutional office, local governing body, or ~~an elected~~ school board, a majority of the judges of the judicial circuit for the county or city in which it occurs shall make an interim appointment to the office until the vacancy can be filled by special election. The senior judge shall make the appointment if a majority of the judges cannot agree. The chief or senior deputy, if there is one in the office, shall perform all the duties of the office until the person appointed to fill the vacancy has qualified. The person so appointed shall hold office until the qualified voters fill the vacancy by election and the person so elected has qualified.

§ 24.2-228. Interim appointment to local governing body or school board; elected mayor.

A. When a vacancy occurs in a local governing body or ~~an elected~~ a school board, the remaining members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. If a majority of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the appointment. Notwithstanding any charter provisions to the contrary, the person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to § 24.2-682 and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.

If a majority of the seats on any governing body or ~~elected~~ school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an interim appointment to fill the vacancy as provided in subsection A.

C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of elected and appointed members shall be deemed elected school boards.

D. The failure of a member of a local governing body or ~~elected~~ school board or mayor to take the oath of office required by § 49-1 before attending the first meeting of the governing body or school board held after his election shall not be deemed to create a vacancy in his office, provided that he takes the oath within 30 days after that first meeting.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the State Board, (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or ~~elected~~ school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.

The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.

A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body or ~~elected~~ school board of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body or ~~elected~~ school board of any town that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For a candidate for membership on the governing body or ~~elected~~ school board of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures;

8. For a candidate for membership on the governing body or ~~elected~~ school board of any town that has fewer than 1,500 registered voters, no petition shall be required;

9. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

10. For any other candidate, 50 signatures.

B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.

The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall

1289 provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the
1290 office of the attorney for the Commonwealth, as appropriate.

1291 C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot
1292 by reason of the candidate's filed petition not containing the minimum number of signatures of qualified
1293 voters for the office sought, the candidate may appeal that determination within five calendar days of the
1294 issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the
1295 candidate did not meet the requirements to have his name appear on the ballot.

1296 Appeals made by candidates for a county, city, or town office shall be filed with the electoral board.
1297 Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be
1298 heard by the State Board or the electoral board, as appropriate, within five business days of its filing.
1299 The electoral board shall notify the State Board of any appeal that is filed with the electoral board.

1300 The State Board shall develop procedures for the conduct of such an appeal. The consideration on
1301 appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably
1302 rejected according to the requirements of this title and the uniform standards approved by the State
1303 Board for the review of petitions. Immediately after the conclusion of the appeal hearing, the entity
1304 conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in
1305 writing. The decision on appeal shall be final and not subject to further appeal.

1306 **§ 58.1-605. To what extent and under what conditions cities and counties may levy local sales**
1307 **taxes; collection thereof by Commonwealth and return of revenue to each city or county entitled**
1308 **thereto.**

1309 A. No county, city or town shall impose any local general sales or use tax or any local general retail
1310 sales or use tax except as authorized by this section or § 58.1-605.1.

1311 B. The council of any city and the governing body of any county may levy a general retail sales tax
1312 at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall
1313 be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to
1314 all the provisions of this chapter and the rules and regulations published with respect thereto. No
1315 discount under § 58.1-622 shall be allowed on a local sales tax.

1316 C. 1. The council of any city and the governing body of any county desiring to impose a local sales
1317 tax under this section may do so by the adoption of an ordinance stating its purpose and referring to this
1318 section, and providing that such ordinance shall be effective on the first day of a month at least 60 days
1319 after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so
1320 that it will be received within five days after its adoption.

1321 2. Prior to any change in the rate of any local sales and use tax, the Tax Commissioner shall provide
1322 remote sellers with at least 30 days' notice. Any change in the rate of any local sales and use tax shall
1323 only become effective on the first day of a calendar quarter. Failure to provide notice pursuant to this
1324 section shall require the Commonwealth and the locality to apply the preceding effective rate until 30
1325 days after notification is provided.

1326 D. Any local sales tax levied under this section shall be administered and collected by the Tax
1327 Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

1328 E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid
1329 into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books
1330 under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the
1331 account of each particular city or county levying a local sales tax under this section. The basis of such
1332 credit shall be the city or county in which the sales were made as shown by the records of the
1333 Department and certified by it monthly to the Comptroller, namely, the city or county of location of
1334 each place of business of every dealer paying the tax to the Commonwealth without regard to the city or
1335 county of possible use by the purchasers. If a dealer has any place of business located in more than one
1336 political subdivision by reason of the boundary line or lines passing through such place of business, the
1337 amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the
1338 purposes of this section as follows: one-half shall be assignable to each political subdivision where two
1339 are involved, one-third where three are involved, and one-fourth where four are involved.

1340 F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in
1341 any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia
1342 in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax
1343 moneys, and such payments shall be charged to the account of each such city or county under the
1344 special fund created by this section. If errors are made in any such payment, or adjustments are
1345 otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall
1346 be corrected and adjustments made in the payments for the next two months as follows: one-half of the
1347 total adjustment shall be included in the payments for the next two months. In addition, the payment
1348 shall include a refund of amounts erroneously not paid to the city or county and not previously refunded
1349 during the three years preceding the discovery of the error. A correction and adjustment in payments
1350 described in this subsection due to the misallocation of funds by the dealer shall be made within three

years of the date of the payment error.

G. Such payments to counties are subject to the qualification that in any county wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of such town bears to the school age population of the entire county. If the school age population of any town constituting a separate school district is increased by the annexation of territory since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

H. One-half of such payments to counties are subject to the further qualification, other than as set out in subsection G, that in any county wherein is situated any incorporated town not constituting a separate special school district that has complied with its charter provisions providing for the election of its council and mayor for a period of at least four years immediately prior to the adoption of the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for general governmental purposes the proper proportionate amount received by him in the ratio that the school age population of each such town bears to the school age population of the entire county, based on the latest estimate provided by the Weldon Cooper Center for Public Service. The preceding requirement pertaining to the time interval between compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city. If the school age population of any such town not constituting a separate special school district is increased by the annexation of territory or otherwise since the last estimate of school age population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school age population of such town as shown by the last such estimate and a proper reduction made in the school age population of the county or counties from which the annexed territory was acquired.

I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its discretion, appropriate funds to any incorporated town not constituting a separate school district within such county that has not complied with the provisions of its charter relating to the elections of its council and mayor, an amount not to exceed the amount it would have received from the tax imposed by this chapter if such election had been held; however, Charlotte County, Gloucester County, Halifax County, Henry County, Mecklenburg County, Northampton County, Patrick County, and Pittsylvania County may appropriate any amount to any such incorporated town.

J. It is further provided that if any incorporated town which would otherwise be eligible to receive funds from the county treasurer under subsection G or H be located in a county that does not levy a general retail sales tax under the provisions of this law, such town may levy a general retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to all the provisions of this section generally applicable to cities and counties. Any tax levied under the authority of this subsection shall in no case continue to be levied on or after the effective date of a county ordinance imposing a general retail sales tax in the county within which such town is located.

§ 58.1-3814. Water or heat, light and power companies.

A. Any county, city or town may impose a tax on the consumers of the utility service or services provided by any water or heat, light and power company or other corporations coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.), which tax shall not be imposed at a rate in excess of 20 percent of the monthly amount charged to consumers of the utility service and shall not be applicable to any amount so charged in excess of \$15 per month for residential customers. Any city, town or county that on July 1, 1972, imposed a utility consumer tax in excess of limits specified herein may continue to impose such a tax in excess of such limits, but no more. For taxable years beginning on and after January 1, 2001, any tax imposed by a county, city or town on consumers of electricity shall be imposed pursuant to subsections C through J only.

B. Any tax enacted pursuant to the provisions of this section, or any change in a tax or structure already in existence, shall not be effective until 60 days subsequent to written notice by certified mail from the county, city or town imposing such tax or change thereto, to the registered agent of the utility corporation that is required to collect the tax.

C. Any county, city or town may impose a tax on the consumers of services provided within its jurisdiction by any electric light and power, water or gas company owned by another municipality; provided, that no county shall be authorized under this section to impose a tax within a municipality on consumers of services provided by an electric light and power, water or gas company owned by that municipality. Any county tax imposed hereunder shall not apply within the limits of any incorporated town located within such county which town imposes a town tax on consumers of utility service or

1412 services provided by any corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.),
1413 provided that such town (i) provides police or fire protection, and water or sewer services, provided that
1414 any such town served by a sanitary district or service authority providing water or sewer services or
1415 served by the county in which the town is located when such service or services are provided pursuant
1416 to an agreement between the town and county shall be deemed to be providing such water and sewer
1417 services itself, or (ii) constitutes a special school district and is operated as a special school district
1418 under a town school board of three members appointed by the town council.

1419 Any county, city or town may provide for an exemption from the tax for any public safety answering
1420 point as defined in § 58.1-3813.1.

1421 Any municipality required to collect a tax imposed under authority of this section for another city or
1422 county or town shall be entitled to a reasonable fee for such collection.

1423 D. In a consolidated county wherein a tier-city exists, any county tax imposed hereunder shall apply
1424 within the limits of any tier-city located in such county, as may be provided in the agreement or plan of
1425 consolidation, and such tier-city may impose a tier-city tax on the same consumers of utility service or
1426 services, provided that the combined county and tier-city rates do not exceed the maximum permitted by
1427 state law.

1428 E. The tax authorized by this section shall not apply to:

1429 1. Utility sales of products used as motor vehicle fuels; or

1430 2. Natural gas used to generate electricity by a public utility as defined in § 56-265.1 or an electric
1431 cooperative as defined in § 56-231.15.

1432 F. 1. Any county, city or town may impose a tax on consumers of electricity provided by electric
1433 suppliers as defined in § 58.1-400.2.

1434 The tax so imposed shall be based on kilowatt hours delivered monthly to consumers, and shall not
1435 exceed the limits set forth in this subsection. The provider of billing services shall bill the tax to all
1436 users who are subject to the tax and to whom it bills for electricity service, and shall remit such tax to
1437 the appropriate locality in accordance with § 58.1-2901. Any locality that imposed a tax pursuant to this
1438 section prior to January 1, 2001, based on the monthly revenue amount charged to consumers of
1439 electricity shall convert its tax to a tax based on kilowatt hours delivered monthly to consumers, taking
1440 into account minimum billing charges. The kilowatt hour tax rates shall, to the extent practicable: (i)
1441 avoid shifting the amount of the tax among electricity consumer classes and (ii) maintain annual
1442 revenues being received by localities from such tax at the time of the conversion. The current service
1443 provider shall provide to localities no later than August 1, 2000, information to enable localities to
1444 convert their tax. The maximum amount of tax imposed on residential consumers as a result of the
1445 conversion shall be limited to \$3 per month, except any locality that imposed a higher maximum tax on
1446 July 1, 1972, may continue to impose such higher maximum tax on residential consumers at an amount
1447 no higher than the maximum tax in effect prior to January 1, 2001, as converted to kilowatt hours. For
1448 nonresidential consumers, the initial maximum rate of tax imposed as a result of the conversion shall be
1449 based on the annual amount of revenue received from each class of nonresidential consumers in calendar
1450 year 1999 for the kilowatt hours used that year. Kilowatt hour tax rates imposed on nonresidential
1451 consumers shall be based at a class level on such factors as existing minimum charges, the amount of
1452 kilowatt hours used, and the amount of consumer utility tax paid in calendar year 1999 on the same
1453 kilowatt hour usage. The limitations in this section on kilowatt hour rates for nonresidential consumers
1454 shall not apply after January 1, 2004. On or before October 31, 2000, any locality imposing a tax on
1455 consumers of electricity shall duly amend its ordinance under which such tax is imposed so that the
1456 ordinance conforms to the requirements of subsections C through J. Notice of such amendment shall be
1457 provided to service providers in a manner consistent with subsection B except that "registered agent of
1458 the provider of billing services" shall be substituted for "registered agent of the utility corporation." Any
1459 conversion of a tax to conform to the requirements of this subsection shall not be effective before the
1460 first meter reading after December 31, 2000, prior to which time the tax previously imposed by the
1461 locality shall be in effect.

1462 2. For purposes of this section, "kilowatt hours delivered" shall mean in the case of eligible
1463 customer-generators, as defined in § 56-594, those kilowatt hours supplied from the electric grid to such
1464 customer-generators, minus the kilowatt hours generated and fed back to the electric grid by such
1465 customer-generators.

1466 G. Until the consumer pays the tax to such provider of billing services, the tax shall constitute a debt
1467 to the locality. If any consumer receives and pays for electricity but refuses to pay the tax on the bill
1468 that is imposed by a locality, the provider of billing services shall notify the locality of the name and
1469 address of such consumer. If any consumer fails to pay a bill issued by a provider of billing services,
1470 including the tax imposed by a locality as stated thereon, the provider of billing services shall follow its
1471 normal collection procedures with respect to the charge for electric service and the tax, and upon
1472 collection of the bill or any part thereof shall (i) apportion the net amount collected between the charge
1473 for electric service and the tax and (ii) remit the tax portion to the appropriate locality. After the

consumer pays the tax to the provider of billing services, the taxes shall be deemed to be held in trust by such provider of billing services until remitted to the localities.

H. Any county, city or town may impose a tax on consumers of natural gas provided by pipeline distribution companies and gas utilities. The tax so imposed shall be based on CCF delivered monthly to consumers and shall not exceed the limits set forth in this subsection. The pipeline distribution company or gas utility shall bill the tax to all users who are subject to the tax and to whom it delivers gas and shall remit such tax to the appropriate locality in accordance with § 58.1-2905. Any locality that imposed a tax pursuant to this section prior to January 1, 2001, based on the monthly revenue amount charged to consumers of gas shall convert to a tax based on CCF delivered monthly to consumers, taking into account minimum billing charges. The CCF tax rates shall, to the extent practicable: (i) avoid shifting the amount of the tax among gas consumer classes and (ii) maintain annual revenues being received by localities from such tax at the time of the conversion. Current pipeline distribution companies and gas utilities shall provide to localities not later than August 1, 2000, information to enable localities to convert their tax. The maximum amount of tax imposed on residential consumers as a result of the conversion shall be limited to \$3 per month, except any locality that imposed a higher maximum tax on July 1, 1972, may continue to impose such higher maximum tax on residential consumers at an amount no higher than the maximum tax in effect prior to January 1, 2001, as converted to CCF. For nonresidential consumers, the initial maximum rate of tax imposed as a result of the conversion shall be based on the annual amount of revenue received and due from each of the nonresidential gas purchase and gas transportation classes in calendar year 1999 for the CCF used that year. CCF tax rates imposed on nonresidential consumers shall be based at a class level on such factors as existing minimum charges, the amount of CCF used, and the amount of consumer utility tax paid and due in calendar year 1999 on the same CCF usage. The initial maximum rate of tax imposed under this section shall continue, unless lowered, until December 31, 2003. Beginning January 1, 2004, nothing in this section shall be construed to prohibit or limit any locality from imposing a consumer utility tax on nonresidential customers up to the amount authorized by subsection A.

On or before October 31, 2000, any locality imposing a tax on consumers of gas shall duly amend its ordinance under which such tax is imposed so that the ordinance conforms to the requirements of subsections C through J of this section. Notice of such amendment shall be provided to pipeline distribution companies and gas utilities in a manner consistent with subsection B except that "registered agent of the pipeline distribution company or gas utility" shall be substituted for "registered agent of the utility corporation." Any conversion of a tax to conform to the requirements of this subsection shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by the locality shall be in effect.

I. Until the consumer pays the tax to such gas utility or pipeline distribution company, the tax shall constitute a debt to the locality. If any consumer receives and pays for gas but refuses to pay the tax that is imposed by the locality, the gas utility or pipeline distribution company shall notify the localities of the names and addresses of such consumers. If any consumer fails to pay a bill issued by a gas utility or pipeline distribution company, including the tax imposed by a locality, the gas utility or pipeline distribution company shall follow its normal collection procedures with regard to the charge for the gas and the tax and upon collection of the bill or any part thereof shall (i) apportion the net amount collected between the charge for gas service and the tax and (ii) remit the tax portion to the appropriate locality. After the consumer pays the tax to the gas utility or pipeline distribution company, the taxes shall be deemed to be held in trust by such gas utility or pipeline distribution company until remitted to the localities.

J. For purposes of this section:

"Class of consumers" means a category of consumers served under a rate schedule established by the pipeline distribution company and approved by the State Corporation Commission.

"Gas utility" has the same meaning as provided in § 56-235.8.

"Pipeline distribution company" has the same meaning as provided in § 58.1-2600.

"Service provider" and "provider of billing services" have the same meanings as provided in subsection E of § 58.1-2901, and "class" of consumers means a category of consumers defined as a class by their service provider.

K. Nothing in this section shall prohibit a locality from enacting an ordinance or other local law to allow such locality to impose a tax on consumers of natural gas provided by pipeline distribution companies and gas utilities, beginning at such time as natural gas service is first made available in such locality. The maximum amount of tax imposed on residential consumers based on CCF delivered monthly to consumers shall not exceed \$3 per month. The maximum tax rate imposed by such locality on nonresidential consumers based on CCF delivered monthly to consumers shall not exceed an average of the tax rates on nonresidential consumers of natural gas in effect (at the time natural gas service is first made available in such locality) in localities whose residents are being provided natural gas from

1535 the same pipeline distribution company or gas utility or both that is also providing natural gas to the
1536 residents of such locality. Beginning January 1, 2004, the tax rates for residential and nonresidential
1537 consumers of natural gas in such locality shall be determined in accordance with the provisions of
1538 subsection H.
1539 **2. That §§ 15.2-532, 15.2-628, and 22.1-29.1, Articles 2 through 6 (§§ 22.1-34 through 22.1-57) of**
1540 **Chapter 5 of Title 22.1, and §§ 22.1-57.2, 22.1-57.3:2, 22.1-57.4, and 22.1-57.5 of the Code of**
1541 **Virginia are repealed.**